THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 14188 OF 2002

Dated 11th July, 2007

Between:

Bethel Gospel Church,
Represented by its Pastor S.Prabhu Prasad,
S/o S.M.Narasimha Rao, Jeedimetla,
Ranga Reddy District.

…Petitioner

And

The Principal Secretary, Municipal Administration,
Secretariat Buildings, Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner has questioned the notice issued under Section 228 (3) of the Andhra Pradesh Municipalities Act, 1965, in which, directions were issued for removal of the unlawful constructions made by the petitioner as mentioned in the provisional order, within a period of seven days from the date of the receipt of the notice.

For the effective maintenance of industrial areas, Government of Andhra Pradesh by G.O.Ms.No.519, Municipal Administration and Urban Development Department, dated 23.9.1994 transferred certain powers and functions of Municipalities in favour of the Andhra Pradesh Industrial Infrastructure Corporation for exercising the same in the specified industrial area. One such industrial development area is Jeedimetla where the petitioner is stated to have raised structures for constructing a Church Hall. In the said industrial area, a plot admeasuring about 1500 sq. yards was sold by the A.P.Industrial Infrastructure Corporation, owned by the Government of Andhra Pradesh, by sale-deed dated 30.4.1999 to M/s. Srinidhi Packaging Industries. The said sale-deed was preceded by an agreement of sale and in the agreement of sale and sale-deed, there is a condition that the said plot area shall be used only for the industrial purpose of manufacture of corrugated boxes.

The petitioner claims to have purchased an extent of 613 sq. yards out of the said plotted area in plot No.57 covered by Survey Nos. 279 and 280 (part) in Phase-I of I.D.A., Jeedimetla. The petitioner made an application to the competent authority for

permission for construction of Church, but, however, the said request was rejected on the ground that the land was reserved for industrial use and unless there is change of land use, no permission can be granted. But, however, it appears that the petitioner proceeded with the construction though there is no permission granted for making constructions.

It is submitted by the learned counsel for the petitioner that the structure is being used as a Church for community purposes and no nuisance is caused and, therefore, there is no reason for issuing the impugned notice.

It is not in dispute that there is no permission for the petitioner for making any constructions. Though it is submitted by the learned counsel for the petitioner that an application for change of land use is pending consideration before the Government, but, however, the fact remains that no orders are passed by the competent authority for change of land use. Apart from the same, in spite of the rejection of the application filed for grant of permission for making constructions, the petitioner proceeded with the construction without any basis. The submission of the learned counsel that the petitioner is not creating any nuisance and the said structures are raised for community purposes is no ground to question the impugned notice. Once the constructions are unauthorized, it is well within the purview of the respondents to initiate proceedings under Section 228 (3) of the A.P. Municipalities Act, 1965.

In that view of the matter, I do not find any illegality, which warrants interference in the matter. The writ petition, therefore, is dismissed as devoid of merit. No costs.

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11-7-2007

R.SUBHASH REDDY, J.

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